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Law

**DISPOSITION OF JUVENILE MISCONDUCT
CASES**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction provides the framework for the disposition of juvenile misconduct cases and the treatment of juvenile offenders. The purpose of this instruction is to establish policies, responsibilities, and procedures for the administrative disposition of misconduct committed by juveniles on Vandenberg AFB and to establish the Vandenberg AFB Juvenile Assistance Council (JAC). The JAC will hear cases in which a juvenile is alleged to have engaged in misconduct or any other case referred to it by the 30 Space Wing (30 SW). The JAC will determine the appropriate disposition of the case by weighing the best interests of the juvenile against those of Vandenberg AFB. The action taken will be designed to attain the primary goal of maintaining good order and discipline on Vandenberg AFB and, if possible, rehabilitating the juvenile offender. This instruction applies to juveniles who engage in misconduct on Vandenberg AFB and are dependents of personnel stationed at Vandenberg AFB (to include all personnel administratively assigned to the 30 SW) or dependents of active duty or retired military personnel using Vandenberg AFB facilities. This instruction also applies to the sponsors of juveniles who engage in misconduct on Vandenberg AFB. Notwithstanding the existence of this instruction, the Magistrate's Court program will continue to apply to all offenses committed on base by civilians. This publication is affected by the Privacy Act of 1974. Each form that is subject to the provisions of AFI 37-132, ***Air Force Privacy Act Program***, and is required by this publication will contain a Privacy Act statement, either incorporated in the body of the document or in a separate statement accompanying each document.

1. Authority.

1.1. Public Law 94-415, ***Juvenile Justice and the Juvenile Justice and Delinquency Prevention Act of 1974*** (18 U.S.C. §§ 5031-5042), applies to Vandenberg AFB. The statute provides that misconduct committed by a juvenile should be disposed of outside the federal courts whenever feasible. Accordingly, this regulation establishes an administrative system in lieu of juvenile delinquency proceedings or prosecution for minor offenses in U.S. Magistrate's Court. Major offenses under the U. S. Code will continue to be prosecuted in Federal Court.

1.2. Moreover, the installation commander is charged with the responsibility for maintaining law and order on the base per AFI 31-209, *The Air Force Resource Protection Program*. To achieve this goal, the commander may demand that any juvenile charged with misconduct explain why base privileges should not be limited or revoked. Privileges subject to revocation include the following: base exchange, commissary, housing, theater, shoppette, base driving privileges, and the privilege of entering any part (or all) of the base. This instruction complies with the foregoing law and instruction by ensuring that an offense involving a juvenile is identified, adjudicated, and disposed of in a manner that maintains good order and discipline while stressing deterrence and rehabilitation of the juvenile.

2. Purpose of the JAC.

2.1. The JAC is designed to:

2.1.1. Maintain good order, morale and discipline on Vandenberg AFB.

2.1.2. Educate juveniles and their sponsors on the consequences of misconduct and crime (i.e., the impact crime has on the juvenile offender, the offender's family, the victim(s), and the community).

2.1.3. Rehabilitate juveniles through counseling, education, community service, restitution, and other means of corrective action as recommended by the JAC and ordered by 30 SW/CC. Therefore, any actions should be designed to prevent further misconduct and instill respect for the law in Vandenberg AFB's juvenile population.

2.1.4. Protect the best interests of both the juvenile offender and the Vandenberg AFB community. Accordingly, the system avoids labeling the juveniles with the stigma of "criminal" or "delinquent." Rather, the term "juvenile offender" is used in this instruction.

2.2. Participation by the juvenile in the JAC program is voluntary. However, certain administrative sanctions may be taken against a juvenile offender even if the juvenile refuses to submit to the jurisdiction of the JAC. (For example, 30 SW/CC retains the authority, under AFI 31-209, to bar the juvenile from base or terminate base housing privileges for the juvenile's family). Conversely, certain rehabilitative measures, such as referral to counseling, performance of community service, or participation in a work program by the juvenile offender may only be undertaken if the juvenile agrees to submit to the JAC's jurisdiction. Rescission of administrative sanctions (e.g., reinstatement of privileges) may be contingent upon the juvenile's consent to the jurisdiction of the JAC and satisfactory completion by the juvenile offender and/or his or her sponsor of rehabilitative measures ordered by the JAC. If the juvenile refuses to submit to the jurisdiction of the JAC, the JAC may refer the case to the Special Assistant U.S. Attorney for prosecution in Magistrate's Court as a petty offense under 18 U.S.C. § 5032, as may be permitted by law.

3. Composition of the JAC.

3.1. The Deputy Commander, 30th Support Group (30 SPTG/CD) shall serve as the JAC Chairman.

3.2. The council will consist of representatives, as approved by the JAC Chairman, from the following member organizations:

3.2.1. Chaplain (30 SW/HC).

3.2.2. 30th Security Forces Squadron (30 SFS/CC).

3.2.3. Staff Judge Advocate (30 SW/JA).

3.2.4. Family Advocacy (30 MDOS/SGOMHF).

3.2.5. Family Member Support Flight (30 SG/SVYY).

3.2.6. Special invited guests, such as a representative from the Community Support Center (30 MSS/DPF) or the Base Housing Management Office (30 CES/CEH), as necessary. Guests may include the sponsor's commander and first sergeant.

3.3. JAC member organizations will endeavor to provide continuity of attendees (i.e., avoid turnover of JAC member representatives whenever possible).

4. Responsibilities.

4.1. Security Forces (30 SFS) will:

4.1.1. Prepare AF Form 1569, **Incident/Complaint Report**, accurately describing the alleged misconduct.

4.1.2. Issue a notification memorandum (see **Attachment 1**) signed by 30 SW/CC or his/her designee to the juvenile and serve a copy on the juvenile's parents or sponsor informing them of the charge (an information copy will be sent to the sponsor's unit commander.)

4.1.3. Show the date, time, and location of the meeting of the JAC on the notification. The meeting date on the memorandum shall be the next available meeting date from the date of the incident.

4.1.4. Issue to the juvenile a memorandum signed by 30 SPTG/CC that immediately limits the juvenile's on-base privileges (see **Attachment 2**), and serve a copy on the juvenile's sponsor.

4.1.5. Send the DD Form 1569 and a copy of the notification letter to the Staff Judge Advocate and to 30 SPTG/CD.

4.2. The 30 SPTG support staff will:

4.2.1. Notify JAC member of the date, time, and location of upcoming JAC meetings.

4.2.2. Provide copies of the DD Form 1569 and the notification letter to JAC members.

4.2.3. Record the minutes of JAC meetings and provide copies to the JAC Chairman for review.

4.2.4. At the direction of the JAC Chairman, prepare a decision memorandum (see **Attachment 3**) for 30 SW/CC's signature, addressed to the juvenile offender, announcing the final disposition of the case. The memorandum shall also include information regarding community service, counseling referrals, etc., if applicable. Once signed and returned by 30 SW/CC, 30 SPTG support staff will ensure the signed memorandum is mailed to the juvenile offender and his or her sponsor and a copy forwarded to 30 SFS/SFOI and 30 MSS/DPMPS.

4.2.5. If any of the juvenile offender's privileges are to be permanently revoked, 30 SPTG/CD's support staff will prepare a revocation memorandum (see **Attachment 4**) for 30 SPTG/CC's signature, addressed to the sponsor, directing the sponsor to apply for a replacement identification card for the juvenile offender with limited privileges. Once signed and returned by 30 SPTG/CC, 30 SPTG support staff will ensure the signed memorandum is mailed to the juvenile offender and his or her sponsor and a copy forwarded to 30 MSS/DPMPS.

4.3. The JAC will:

4.3.1. Meet as directed by the JAC Chairman to review cases of juvenile misconduct. If necessary due to the number of cases, the JAC Chairman may require more than one meeting per month. The JAC Chairman may cancel a meeting at his or her discretion and direct that cases be considered at the next meeting.

4.3.2. Recommend an appropriate command response to the misconduct, including but not limited to the following or any combination thereof:

4.3.2.1. No action.

4.3.2.2. Oral counseling, admonition, or reprimand of the juvenile offender and/or his or her sponsor.

4.3.2.3. Written counseling, admonition, or reprimand of the juvenile offender and/or his or her sponsor signed by 30 SW/CC. (see **Attachment 5**).

4.3.2.4. Referring the juvenile offender and/or sponsor to Family Advocacy, Mental Health, or other agency for counseling.

4.3.2.5. Placing certain base areas and/or facilities off-limits to the juvenile offender.

4.3.2.6. Imposing a curfew other than the normal base curfew.

4.3.2.7. Restricting access to base functions.

4.3.2.8. Suspending or revoking of any or all base privileges.

4.3.2.9. Barment.

4.3.2.10. Termination of on-base family housing.

4.3.2.11. Requiring the juvenile to complete a specified number of hours of community service on or off Vandenberg AFB. The juvenile and sponsor must sign a volunteer statement prior to participation in a community service program.

4.3.2.12. Identifying conditions that may contribute to juvenile problems and recommending corrective action to other base agencies.

4.3.2.13. Referring the case to the appropriate juvenile authorities in the civilian community.

4.3.2.14. Referring the case to the Special Assistant U.S. Attorney for prosecution as a petty offense under 18 U.S.C. § 5032 in U.S. Magistrate's Court, as may be permitted by law.

4.3.2.15. Any other action deemed appropriate for the preservation of good order, morale and discipline on Vandenberg AFB and in the best interest of the juvenile offender.

4.3.3. As circumstances warrant, meet to follow up on juvenile misconduct cases discussed previously. The JAC may require the juvenile offender and sponsor to attend a future JAC meeting to determine whether the action taken was correct and sufficient. The JAC may recommend to 30 SW/CC that the action taken in a particular case be modified based upon a subsequent JAC meeting.

4.4. 30 SW/CC will:

4.4.1. Review the minutes of the JAC meetings.

4.4.2. Consider the recommendations of the JAC. 30 SW/CC shall take the action deemed appropriate for the preservation of good order and discipline on Vandenberg AFB while balancing the best interests of the rehabilitation of the juvenile. If 30 SW/CC rejects the JAC's recommendations, the JAC Chairman may direct that the JAC meet to discuss the case again.

4.5. The juvenile and his or her sponsor will:

4.5.1. Notify 30 SPTG/CD and 30 SW/JA if they will submit to the jurisdiction of the JAC.

4.5.2. Will appear before the JAC as directed in the notification memorandum.

4.5.3. May provide the JAC information relevant to the case.

4.5.4. Will comply with all orders of the JAC and the decision memorandum issued by 30 SW/CC. Participation in community service and counseling programs by the juvenile and/or the sponsor is voluntary, although rescission of administrative sanctions (e.g., reinstatement of privileges) may be contingent upon the satisfactory completion of such programs.

4.6. 30 SW/JA will:

4.6.1. Ensure an orderly hearing is conducted.

4.6.2. Ensure preponderance of evidence standard is met.

4.6.3. Bring to the JAC's attention and resolve any issues of law that arise before, during and after the JAC proceedings.

5. Conducting JAC meetings.

5.1. The JAC Chairman shall conduct JAC meetings.

5.2. The JAC may arrange for the appearance of any witness deemed necessary for the resolution of the case. Formal rules of evidence do not apply. The JAC may rely on any evidence (to include hearsay evidence) that is deemed reliable.

5.3. JAC meetings shall be closed to the public, as the information discussed is protected from public disclosure by the Privacy Act, 5 U.S.C. B552a.

5.4. Members of the JAC may make relevant inquiries of the juvenile, his or her sponsor, or any witness.

5.5. The juvenile and sponsor may make an oral statement. Information provided by the juvenile offender or any witness need not be under oath.

5.6. JAC meetings are not adversarial proceedings. Neither the juvenile nor his or her sponsor has the right to legal counsel during the meeting, to call their own witnesses, or to cross-examine any witnesses called by the JAC. Moreover, nothing in this instruction shall be construed to grant any rights to the juvenile or his or her sponsor.

5.7. The JAC shall discuss such other relevant matters (e.g., follow up on previous misconduct cases) as directed by the JAC Chairman.

6. Records Management.

6.1. The 30 SPTG support staff acts as recorder for the JAC. The 30 SPTG support staff shall maintain the confidentiality of all records subject to the Privacy Act of 1974 and dispose of them in accordance with AFI 37-132 and AFI 37-138, ***Records Disposition-Responsibilities***.

6.2. No incident system of records will be generated or kept by JAC members. All correspondence to the juvenile or his or her sponsor will be hand delivered or mailed via United States Postal Service certified mail with return receipt.

STEPHEN L. LANNING,
Colonel, USAF
Commander

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****Terms***

Jurisdiction—The JAC shall have jurisdiction over minor juvenile misconduct that occurs on Vandenberg AFB. Major misconduct, including Class A misdemeanors and felonies, will be handled in Federal Court by the United States Attorney's Office. The determination of whether a minor misconduct case is prosecuted in Magistrate's court will be made by the Special Assistant United States Attorney in the Judge Advocate's Office, after consulting with the United States Attorney's Office.

Juvenile—An unemancipated minor. A person is unemancipated if he or she has not attained his or her eighteenth birthday, is unmarried, is not in military active duty status, is not living separate and apart from his or her parents or guardian, and has not been deemed emancipated by a court of competent jurisdiction. A minor is any person under the age of 18 years.

Juvenile Assistance Council—The committee charged with reviewing cases of juvenile misconduct.

Juvenile Offender—A juvenile determined by the JAC to have engaged in misconduct on Vandenberg AFB.

Misconduct—A violation of a federal, state, or local statute; a breach of Air Force or installation instructions or regulations; or conduct disruptive to good order, morale, or discipline on Vandenberg AFB. Examples include, but are not limited to, any of the following: 1. Pattern of disobedience of the lawful rules set forth by security forces or recreation supervisors, etc., disrespect to military or civil service personnel, or physical assault or battery upon any of these persons. 2. Loitering about the streets, parking lots, or buildings of Vandenberg AFB during the hours of darkness. Violation of curfew regulation. 3. Vandalism or destructive behavior causing damages to property. 4. Shoplifting from a commissary, Base Exchange, or other AAFES institution.

Preponderance of the evidence—The standard of proof necessary to find that the juvenile committed the misconduct in question. This standard is met when the credible evidence as a whole shows that it is more probable than not that the fact sought to be proved (i.e., that the juvenile committed the act) actually occurred.

Sponsor—An adult who is the parent or guardian of a juvenile alleged to have committed misconduct on Vandenberg AFB. A sponsor includes the host of a guest from off base or who has responsibility for the conduct of juveniles in his or her charge.

Attachment 2**FORMAT FOR LETTER NOTIFYING JUVENILE OF JAC MEETING**

MEMORANDUM FOR (Juvenile's Name)

(Address)

(Address)

FROM: 30 SPTG/CD

1031 California Ave., Suite. C-200

Vandenberg AFB, CA 93437-6265

SUBJECT: Order to Appear Before the Juvenile Assistance Council (JAC)

1. In accordance with 30 SWI 51-1, ***Disposition of Juvenile Misconduct Cases***, you and your parent(s)/sponsor are ordered to appear before the JAC on (Date and Time). The council meets in the Support Group Conference Room, Building 11777. You and your parent(s)/sponsor may use this letter to gain access to Vandenberg Air Force Base for the purpose of attending the meeting.
2. On (Date), you were allegedly involved in juvenile misconduct on Vandenberg Air Force Base. Misconduct is defined as any violation of federal, state, or local statute, a breach of Air Force or installation instructions or regulations, or other activity prejudicial to good order and discipline on Vandenberg Air Force Base. At the meeting you and your parent(s)/sponsor will have the opportunity to explain why your base privileges should not be limited or revoked. The privileges subject to revocation include but are not limited to the following: Base Exchange, commissary, base housing, and base entry.
3. You and your parent(s)/sponsor may present any relevant evidence for consideration by way of witness testimony or exhibits. You may testify or decline to testify at your discretion. If you intend to present witnesses or exhibits, you must present a list of each witness or exhibit to the JAC.
4. The Staff Judge Advocate's office will provide you a copy of 30 SWI 51-1 upon request. The Security Forces Squadron can also provide copies of any relevant statement/complaint reports.
5. A copy of this letter will be served to your parent(s)/sponsor. Another copy will be presented to your sponsor's commander.

6. If you fail to appear at the designated time, you may be barred from base pursuant to AFI 31-209, ***The Air Force Resource Protection Program***, and your case will be referred to the Special Assistant US Attorney for prosecution as a petty offense under 18 U.S.C. § 5032 in US Magistrate's Court.

PAUL D. WUEBOLD, Lt Col, USAF
Deputy Commander, 30 SPTG

cc: (Parent/Sponsor)
(Sponsor's Commander)

Attachment 3

FORMAT FOR LETTER LIMITING JUVENILE'S PRIVILEGES

MEMORANDUM FOR (Juvenile's Name)

(Address)

(Address)

FROM: 30 SPTG/CD

1031 California Blvd., Suite. C-200

Vandenberg AFB, CA 93437-6265

SUBJECT: Limited Privileges and ID Card Reissue

1. On (Date), your ID card was confiscated for (Nature of Offense). The AF Form 52, **Evidence Tag**, in your possession is good for 72 hours or until the next duty day, whichever is later. To receive a new ID card with limited privileges, you must appear in person at Military Personnel Flight Customer Service, Building 11777, and receive a revised DD Form 1172, **Application for Uniformed Services Identification Card DEERS Enrollment**, with appropriate benefits and privileges. Medical privileges and the expiration date of your ID card will not change. Pass and ID will identify and mark the appropriate blocks of your ID card limiting your privileges. If your privileges are reinstated, you must appear in person at Security Forces Reports and Analysis, 30 SFS/SFAR, Building 13675, to receive a copy of the disposition of the case.

2. If you have any questions, please contact 30 SFS/SFAR at (805) 606-2805.

PAUL D. WUEBOLD, Lt Col, USAF

Deputy Commander, 30 SPTG

cc: 30 MSS/DPMPs

Attachment 4

FORMAT FOR LETTER NOTIFYING JUVENILE OF JAC DECISION

MEMORANDUM FOR (Juvenile's Name)

(Address)

(Address)

FROM: 30 SW/CC

747 Nebraska Ave., Suite. A-200

Vandenberg AFB, CA 93437-6265

SUBJECT: Juvenile Assistance Council Decision

1. On (Date), you met with the Juvenile Assistance Council (JAC) to determine if you were involved in a (type of incident) at the (location of incident) on Vandenberg Air Force Base. The JAC decided you were involved as alleged. Because of your involvement with the incident, you must comply with the following actions [choose appropriate paragraph(s)]:

a. Your Base Exchange privileges will be revoked for a period of (six (6) months).

b. You and your parents must complete a Teen Parenting class and Family Counseling. You should contact the Mental Health Office, 30 MDOS/SGOMHF, at telephone number (805) 606-5338 to schedule the class. The return of your privileges on base is contingent upon completion of Teen Parenting class also.

c. You must complete _____ hours of community service by (Date). You should call the volunteer coordinator at the Community Support Center, telephone number (805) 606-0039 to schedule those hours.

d. Other actions as appropriate.

2. Failure to comply with these requirements could result in further action being taken, including but not limited to referral of your case to the Special Assistant U.S. Attorney for prosecution as a petty offense under 18 U.S.C. § 5032 in U.S. Magistrate's Court.

3. I will continue to maintain good order and discipline on this base. I believe you understand what is right and wrong. If you learn from this experience, perhaps some good will come of an otherwise unfortunate incident. You have the intelligence and potential to do much better, and I am certain you can.

STEPHEN L. LANNING

Colonel, USAF

Commander

cc: 30 SFS/SFOI

30 MSS/DPMPs

30 SW/JA

30 SPTG/CD

Attachment 5

FORMAT FOR LETTER REVOKING JUVENILE'S PRIVILEGES

MEMORANDUM FOR (Parent/Sponsor)

(Address)

(Address)

FROM: 30 SPTG/CD

1031 California Ave., Suite. C-200

Vandenberg AFB, CA 93437-6265

SUBJECT: Revocation of (Base Exchange) Privileges

1. On (Date), your (son/daughter), (Juvenile's Name), was reported to security forces by (Base Exchange (BX) security for shoplifting merchandise totaling \$_____).

2. As result of this violation and according to AFI 31-209, *The Air Force Resource Protection Program*, your (son's/daughter's) (BX privileges) are hereby revoked for a period of (six (6) months), commencing on the date the Identification Card, DD Form 1173, **Uniformed Services Identification and Privilege Card**, was surrendered. If (Juvenile's Name) has not surrendered (his/her) ID card, then you and your (son/daughter) are hereby directed to report to Military Personnel Flight Customer Service Center, Building 11777, within four (4) duty days from the date this letter is received. At that time, you may apply for a replacement card with limited privileges.

PAUL D. WUEBOLD, Lt Col, USAF

Deputy Commander, 30 SPTG

cc: 30 MSS/DPMPs